

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application.¹ Claims 23, 24, 26 to 36, 38 to 48 and 50 to 58 have been amended. Claims 59 to 69 have been added. Claims 23, 24, 26 to 36, 38 to 48 and 50 to 69 are now pending.

Rejection Under 35 U.S.C. § 101

Claims 23 to 34 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant respectfully requests that the rejection to claims 23 to 34 under 35 U.S.C. §101 be withdrawn for at least the reasons set forth below.

The Office Action alleges the computer readable medium can be "directed to intangible mediums such as waves or signals." (Office Action, p. 2). Without acquiescing to the Office's interpretation, which is not encompassed by the exemplary embodiments disclosed in the present application, claim 23 has been amended to recite a "computer-readable recording medium having a computer program recorded thereon that causes a computer" to perform the recited operations. By reciting the computer program as being recorded (encoded) on a computer-readable recording medium and executed by a computer, the structural and functional interrelationships between the computer program, the computer-readable recording medium and the computer permit the functionality of the computer program to be realized (see MPEP § 2106.01(I), second paragraph). Therefore, claim 23 recites patentable subject matter under 35 U.S.C. § 101.

In addition, claim 23 recites that the computer-readable recording medium has a computer program recorded thereon. Therefore, the computer-readable recording medium of

¹ The Office Action contains statements characterizing the claims and related art. Regardless of whether any such statements are specifically addressed herein, Applicant's silence as to these characterizations does not constitute acceptance of them.

claim 23 cannot be interpreted as a signal or carrier wave, since signals or carrier waves cannot record a computer program.

Furthermore, it is noted that the computer-readable recording medium of claim 23 is an article of manufacture and/or an apparatus, according to the statutory classes of subject matter under 35 U.S.C. § 101. The machine-or-transformation test of *Bilski* is directed to a process (i.e., method). Therefore, the machine-or-transformation test of *Bilski* is inapplicable to the computer-readable recording medium of claim 23.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that claim 23, as well as claims 24 and 26 to 34 which depend therefrom, recite patentable subject matter under 35 U.S.C. § 101. Therefore, Applicant respectfully requests that the rejection of claims 23, 24 and 26 to 34 under 35 U.S.C. § 101 be withdrawn.

Rejection Under 35 U.S.C. § 112

Claims 23, 24 and 26 to 34 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action asserts that the term "computer readable medium containing a user interface" is not supported in the specification. (Office Action, p. 3). This assertion is unsupportable.

The above-quoted phrase is no longer recited in claim 23. Nevertheless, the Office is respectfully requested to observe, based on at least the following remarks, that the specification, drawings, and claims provide sufficient written description of a user interface contained on a computer-readable recording medium.

FIGs. 1 and 2 illustrate an exemplary embodiment of a computer system that is broadly encompassed in the claimed invention. Amended claim 23 recites, "A computer-readable recording medium having a computer program recorded thereon that causes a computer to control a display device to display a user interface and at least two different

images of a cursor within the displayed user interface." This feature of claim 23 is supported by Applicant's specification and drawings. For example, computer 100 includes a central processing unit 112 and computer readable media, such as, RAM 118, ROM 120 and magnetic or optical disk 122. (Applicant's specification, FIGs. 1, 2 and Paras. 0027-0029). Moreover, the operating system may provide windows and other graphics on a computer's display device 104 associated with each of the programs running in the computer's RAM 118. (Applicant's specification, FIGs. 1, 2 and Paras. 0027-0029).

Furthermore, support can be found for the remaining claim features recited in Applicant's claim 23:

displaying, in the user interface on the display device, a first image of the cursor, the first image comprising a pointer arrow having a tail; (Applicant's specification, FIGs. 2, 3A and Paras. 0029-0030).

receiving a control input containing an instruction to drag at least one object displayed in the user interface on the display device; (Applicant's specification, FIG. 2 and Paras. 0029-0030, 0052-0057 and 0060).

controlling the display device to switch the display of the first image of the cursor to a display of a second image of the cursor in the user interface, the second image comprising a first hybrid cursor having a pointer arrow with a first variable graphic replacing the tail comprised in the first image; and (Applicant's specification, FIGs 3C, 5C, 5D, 6-8C and Paras. 0039, 0047-0049 and 0052-0058).

controlling the display device to display the variable graphic in the user interface as an alphanumeric representation relating to a parameter of a process, upon receipt of the control input. (Applicant's specification, FIGs 7A-7C, 8B-8C and Paras. 0054-0055 and 0057-0058).

The foregoing references to the specification and drawings identify exemplary portions of the disclosure that support features of the claimed invention. The identified portions are exemplary and not exhaustive. Accordingly, claim 23 is fully supported by the exemplary embodiments disclosed in the specification and drawings. Therefore, Applicant respectfully requests that the rejection of claims 23, 24 and 26 to 34 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 47, 48, 50, 51, 54 and 58 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,606,101 to *Malamud et al.* ("*Malamud*").

Applicant respectfully submits *Malamud* cannot support a rejection of claim 47 under 35 U.S.C. § 102(e) because the reference does not disclose every claim feature. (See MPEP § 2131).

FIGs. 2-8C illustrate exemplary embodiments that are broadly encompassed by Applicant's claim 47. These drawings illustrate examples of hybrid cursors that can be used to identify an operation, such as a drag operation, for example. These drawings illustrate a computer program (API 136) causing a computer (100) to control a display device (104) to display a user interface (the user interface can form part of the computer's operating system 132). The computer (100) controls the display device (104) to display at least two different images of a cursor. The first image of the cursor (138 or 200) comprises a pointer arrow having a tail. The computer (100) controls the display device (104) to switch the display of the first image of the cursor (138 or 200) to a second image of the cursor (210, 220 or cursors illustrated in FIGs. 6-8C) upon receiving a control input (input to cursor control device 102) to drag at least one object that is displayed in the user interface on the display device (104). The second image of the cursor (210, 220 or cursors illustrated in FIGs. 6-8C) comprises a

hybrid cursor having a pointer arrow with a variable graphic replacing the tail comprised in the first image of the cursor. The variable graphic in the second image of the cursor is an alphanumeric representation (illustrated in FIGs. 7A-7C, 8B and 8C) relating to a parameter of a process.

Claim 47 recites various features of the above-described exemplary embodiment. In particular, claim 47 recites the following features (1)-(3):

- (1) receiving, from a control device connected to the computer, a control input containing an instruction to drag at least one object displayed in the user interface on the display device;
- (2) controlling the display device to, upon initiation of the dragging of the at least one object displayed in the user interface, switch the display of the first image of the cursor to a display of a second image of the cursor in the user interface, the second image of the cursor comprising a first hybrid cursor comprising a portion of the first image of the cursor and a first variable graphic; and
- (3) controlling the display device to display the first variable graphic in the user interface as a symbol representation display relating to a condition of a process.

Applicant respectfully asserts that *Malamud* lacks disclosing at least features (1)-(3) of claim 47, for at least the following reasons.

Malamud discloses a technique in which textual information about an object 39A1 is displayed in the information portion of information box 39C1 when an information pointer 39B1 is placed over the object 39A1. (*Malamud*, FIG. 2R1 and Col. 4, line 62-Col. 5, line 4). This technique is different in both purpose and effect from features (1)-(3) as recited in claim 47.

The Office Action cites the disclosure associated with FIG. 2R3 in an attempt to arrive at features (1) and (2) of claim 47.

Malamud discloses when information pointer 39B3 points to a portion of scroll bar 39A3, information box 39C3 displays information about the extent to which the window is scrolled appears. (*Malamud*, Col. 12, lines 21-39). Alternatively, *Malamud* discloses information box 39C3 may provide information about what will happen if the user clicks a mouse button while the cursor is pointing to a particular scroll bar position. (*Malamud*, Col. 12, lines 21-39).

In contrast to claim 47, *Malamud's* information box 39C3 provides information when the information pointer 39B3 is already pointed to scroll bar 39A3, rather than "upon initiation of the dragging" as recited in feature (2) of claim 47. Accordingly, Applicant respectfully submits claim 47 is allowable for at least this reason.

Moreover, the Office Action points to FIGs. 2R1-2R3 of *Malamud* in an attempt to arrive at feature (3) of claim 47. This assertion is not supportable.

In contrast to claim 47, *Malamud* discloses when the tip of an information pointer 39B1 obscures a portion of a dialog box containing truncated information 39A1, the information box 39C1 of the information pointer 39B1 contains the text of the truncated item pointed to by the information pointer 39B1. (*Malamud*, Col. 12, lines 5-12 and FIG. 2R1). Consequently, FIG. 2R1 does not disclose controlling the display device to switch the display of information pointer 35C to a second information pointer 39B1 having information box 39C1 upon the receipt of a control instruction to drag the dialog box containing truncated information 39A1 displayed on display device 20.

Moreover, FIG. 2R1 does not disclose that the second information pointer 39B1 having information box 39C1 comprises a variable graphic replacing the tail of information

pointer 35C, wherein the variable graphic is displayed as an alphanumeric representation relating to a parameter of a process. On the contrary, *Malamud* discloses an information box 39C1 that displays text about the item being pointed to, not information about a condition of a process upon receipt of a control instruction to drag at least one object.

Additionally, *Malamud* discloses when the tip of an information pointer 39B2 obscures a portion of slider 39A2, an information box 39C2 contains the value represented by the position pointed to by information pointer 39B2. Again, FIG. 2R2 does not disclose controlling the display device to switch the display of the information pointer 35C to a second information pointer 39B2 having information box 39C2 upon the receipt of a control instruction to drag slider 39A2 displayed on the display device.

Moreover, FIG. 2R2 does not disclose that the second information pointer 39B2 having information box 39C2 comprises a variable graphic replacing the tail of information pointer 35C, wherein the variable graphic is displayed as an alphanumeric representation relating to a parameter of a process. On the contrary, *Malamud* discloses an information box 39C2 that displays a value representing the portion of the slider being pointed to, not information about a condition of a process upon receipt of a control instruction to drag at least one object. (*Malamud*, Col. 12, lines 21-26 and FIG. 2R2).

Furthermore, *Malamud* discloses when an information pointer 39B3 points to a portion of scroll bar 39A3, information box 39C3 displays information about the extent to which the window is scrolled appears, for example, the information box may display "page 4 of 5." (*Malamud*, Col. 12, lines 27-39 and FIG. 2R3). Consequently, in contrast to feature (3) of claim 47, FIG. 2R3 does not disclose controlling the display device to switch the display of information pointer 35C to a second information pointer 39B3 having information

box 39C3 upon the receipt of a control instruction to drag the scroll bar pointed to by information pointer 39B3.

Moreover, FIG. 2R3 does not disclose that the information pointer 39B3 having information box 39C3 comprises a variable graphic replacing the tail of information pointer 35C, wherein the variable graphic is displayed as an alphanumeric representation relating to a parameter of a process.

Therefore, *Malamud* does not disclose or suggest feature (3) of claim 47. Consequently, Applicant respectfully submits claim 47 is allowable for at least this additional reason.

Accordingly, for at least the foregoing reasons, *Malamud* does not disclose or suggest the following features (1)-(3) as recited in claim 47:

- (1) receiving, from a control device connected to the computer, a control input containing an instruction to drag at least one object displayed in the user interface on the display device;
- (2) controlling the display device to, upon initiation of the dragging of the at least one object displayed in the user interface, switch the display of the first image of the cursor to a display of a second image of the cursor in the user interface, the second image of the cursor comprising a first hybrid cursor comprising a portion of the first image of the cursor and a first variable graphic; and
- (3) controlling the display device to display the first variable graphic in the user interface as a symbol representation display relating to a condition of a process.

Therefore, Applicant respectfully submits that claim 47 is patentable over *Malamud*, since *Malamud* does not disclose or suggest at least features (1)-(3) of claim 47.

Additionally, Applicant respectfully submits claims 48, 50, 51, 54 and 58 are patentable over *Malamud* at least due to their corresponding dependence from claim 47.

Rejection Under 35 U.S.C. § 103(a) *Malamud* in view of *Barber*

Claims 23, 24, 26 to 32, 34 to 36, 38 to 44, 46, 52, 53, 55, and 56 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,606,101 to *Malamud* in view of U.S. Patent No. 5,586,243 to *Barber et al.* ("*Barber*").

Applicant respectfully submits *Malamud* in view of *Barber* cannot support a rejection of claim 23 under 35 U.S.C. § 103(a) because, taken individually or in combination, these references lack disclosing or suggesting each recited feature in claim 23. (See MPEP § 2143).

Claim 23 recites distinguishing features similar to the above-discussed features (1)-(3) recited in claim 47. For reasons similar to those set forth above, *Malamud* does not disclose or suggest at least the receiving and both controlling operations of claim 23 corresponding to features (1)-(3) of claim 47.

Barber is cited for purportedly teaching a hybrid cursor consisting of a pointer arrow with a variable graphic placed on top of the cursor tail. (Office Action, p. 7). However, similar to *Malamud*, *Barber* does not disclose or suggest features (1)-(3) of claim 23. Therefore, *Barber* cannot cure the deficiencies of *Malamud* for failing to disclose or suggest all of the recited features of claim 23. Accordingly, *Malamud* and *Barber*, when taken individually or in combination, lack disclosing or suggesting all of the features recited in Applicant's claim 23. Therefore, the purported combination of *Malamud* in view of *Barber* cannot support a rejection under 35 U.S.C. § 103(a).

Applicant respectfully submits claims 24, 26 to 32 and 34 are allowable over *Malamud* in view of *Barber* at least due to their corresponding dependence from claim 23.

Independent claim 35 recites features similar to distinguishing features (1)-(3) as those recited in claim 23. Applicant respectfully submits independent claim 35 is allowable over *Malamud* in view of *Barber* for similar reasons set forth with regard to claim 23.

Furthermore, Applicant respectfully submits claims 36 and 38 to 46 are allowable over *Malamud* in view of *Barber* at least due to their corresponding dependence from claim 35.

Rejection Under 35 U.S.C. § 103(a) *Malamud* in view of *Barber* and further in view of *Marks*

Dependent claims 33, 45 and 57 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,606,101 to *Malamud* in view of U.S. Patent No. 5,586,243 to *Barber* and further in view of U.S. Patent No. 6,097,390 to *Marks*.

Similar to *Malamud* in view of *Barber*, *Marks* does not disclose or suggest features (1)-(3) of claim 23. Applicant respectfully submits *Malamud* in view of *Barber*, and further in view of *Marks* cannot support a rejection of claims 33, 45 and 57 under 35 U.S.C. § 103(a) because, taken individually or in combination, these references lack disclosing or suggesting each feature recited in claim 23. (*See* MPEP § 2143). Moreover, *Marks* does not cure the deficiencies of *Malamud* in view of *Barber*.

Marks is cited for purportedly teaching "varying the size of a geographic object to indicate the completeness of a task, including a drag and drop operation." (Office Action, p. 12). However, displaying a mouse pointer that indicates a state of the progress of a task, such as an hourglass icon that is filled in an amount proportionate to the task being processed does not correspond to the recited features of claim 23. (*Marks*, FIGs. 4B, 5B, 6B, 7B and 8B). *Marks'* display of the mouse pointer does not disclose or suggest features (2) and (3) as recited in claim 23.

Moreover, *Marks* does not disclose or suggest the aforementioned features (1)-(3) of Applicant's claims 23, 35 and 47. Therefore, the purported combination of *Malamud* in view of *Barber* and further in view of *Marks*, cannot support a rejection of claims 33, 45 and 57 under 35 U.S.C. § 103(a). Accordingly, Applicant respectfully requests the rejection to claims 33, 45 and 57 be withdrawn.

New Claims

New claim 59, although having different scope than independent claims 23, 35 and 47, recites features similar to features (1)-(3) of claims 23, 35 and 47. Thus, claim 59 is allowable over the applied references for similar reasons to those set forth above with regards to claims 23, 35 and 47, in addition to reciting other allowable subject matter. Claims 60 to 69 are also allowable at least due to their dependence from claim 59.

Conclusion

Reconsideration and withdrawal of the rejections, and allowance of all pending claims, are respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 16, 2009

By: /Jonathan R. Bowser/
Jonathan R. Bowser
Registration No. 54,574

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620